

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X	
DUNKIN' DONUTS FRANCHISED RESTAURANTS LLC,	:
a Delaware Limited Liability Company,	:
DD IP HOLDER LLC,	:
a Delaware Limited Liability Company,	:
BASKIN-ROBBINS FRANCHISED SHOPS LLC,	:
a Delaware Limited Liability Company,	:
BR IP HOLDER LLC,	:
a Delaware Limited Liability Company,	:
	:
Plaintiffs,	:
	:
v.	:
	C.A. No. _____
KNZ 110 <sup>th</sup> LEXINGTON, LLC,	:
a New York Limited Liability Company,	:
KNZ 161 BROADWAY DONUT, LLC,	:
a New York Limited Liability Company, and	:
KNZ 149 BROADWAY DONUT, LLC,	:
a New York Limited Liability Company,	:
	:
Defendants.	:
	X

# **CERTIFICATION OF TODD MATLOVSKY**

1. My name is Todd Matlovsky. I am a citizen and resident of the State of New York, and I make this Certification based on personal knowledge and in support of Plaintiffs' Memorandum in Support of Its Motion for a Preliminary Injunction.

2. I am presently employed by Plaintiffs as an Operations Manager. I have been an Operations Manager since June 2005.

3. As an Operations Manager, my responsibilities include inspecting the shops of Plaintiffs franchisees located within my designated geographic market to ensure that they comply with Plaintiffs standards. My geographic market of responsibility has included Defendants' shops located at 1773 Lexington Avenue, New York, New York 10029 ("Lexington Avenue

Shop”), 3851 Broadway, New York, New York 10032 (“3851 Broadway Shop”), and 3600 Broadway, New York, New York 10031 (“3600 Broadway Shop”) since June 2005.

4. On March 26, 2007, I conducted an inspection of the Lexington Avenue Shop. Numerous standards violations were found to exist at the shop involving issues of health, sanitation, and safety. The specific violations present on March 26, 2007, are noted in the left hand column labeled “Inspection Date 3/26/07,” Food Safety and Sanitation Inspection Report (“FSSI”) form I completed. A true and correct copy of the FSSI is attached hereto as Exhibit A.

5. On March 26, 2007, I hand-delivered a Notice to Cure to the Lexington Avenue Shop listing the standards violations at the Lexington Avenue Shop and requesting that these deficiencies be cured immediately. A True and correct copy of the Notice to Cure is located at the top of the FSSI form attached hereto as Exhibit B.

6. On April 2, 2007, I re-inspected the Lexington Avenue Shop. Numerous standards violations still existed at the shop. I noted the specific violations present on the FSSI in the far right column labeled “Re-inspection Date 4/2/07.” *See* Exhibit A. I also took photographs of many of the standards violations. True and correct copies of the photographs are attached hereto as Exhibit C.

7. On March 26, 2007, I also conducted an inspection of the 3851 Broadway Shop. Numerous standards violations were found to exist at the shop involving issues of health, sanitation, and safety. The specific violations present on March 26, 2007, are noted in the left hand column labeled “Inspection Date 3/26/07,” FSSI form I completed. A true and correct copy of the FSSI is attached hereto as Exhibit D.

8. On March 26, 2007, I hand-delivered a Notice to Cure to the 3851 Broadway Shop listing the standards violations at the 3851 Broadway Shop and requesting that these

deficiencies be cured immediately. A True and correct copy of the Notice to Cure is located at the top of the FSSI form attached hereto as Exhibit E.

9. On April 5, 2007, I re-inspected the 3851 Broadway Shop. Numerous standards violations still existed at the shop. I noted the specific violations present on the FSSI in the far right column labeled "Re-inspection Date 4/2/07." *See Exhibit D.* I also took photographs of many of the standards violations. True and correct copies of the photographs are attached hereto as Exhibit F.

10. On March 26, 2007, I also conducted an inspection of the 3600 Broadway Shop. Numerous standards violations were found to exist at the shop involving issues of health, sanitation, and safety. The specific violations present on March 26, 2007, are noted in the left hand column labeled "Inspection Date 3/26/07," FSSI form I completed. A true and correct copy of the FSSI is attached hereto as Exhibit G.

11. On March 26, 2007, I hand-delivered a Notice to Cure to the 3600 Broadway Shop listing the standards violations at the 3600 Broadway Shop and requesting that these deficiencies be cured immediately. A True and correct copy of the Notice to Cure is located at the top of the FSSI form attached hereto as Exhibit H.

12. On April 5, 2007, I re-inspected the 3600 Broadway Shop. Numerous standards violations still existed at the shop. I noted the specific violations present on the FSSI in the far right column labeled "Re-inspection Date 4/2/07." *See Exhibit G.* I also took photographs of many of the standards violations. True and correct copies of the photographs are attached hereto as Exhibit I.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 8<sup>th</sup> day of May, 2007.



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Todd Matlovsky